

Immigration

Process for filing for Naturalization

Causes of delay

Realistic expectations

Timeline for I-30 Petitions

How can Pete help?

Process of Naturalization

Initial Processing

The application is received by the INS Service Center in Laguna Niguel, CA. The INS Service Center:

- cashes your check. (Keep your negotiated check. It is an important proof of filing.)
- enters your application information on their computer system.
- requests your permanent file from the appropriate INS location.
- sends
you a Notice of Action which is your receipt. (It is an important document to keep until the naturalization process is complete.)

Fingerprints

The automated scheduling system at the INS Service Center will send you an appointment notice to have your fingerprints taken at an INS facility close to you.

- The fingerprints are sent to the INS Service Center.
- The Service Center transmits the data to the FBI.
- The FBI notifies the INS of the results. (The fingerprints have a lifetime of fifteen months. If your prints expire before you are naturalized, you will be scheduled for another appointment.)

Consolidating the files

When the background check is complete and all information relating to your immigration and your naturalization application is in one comprehensive file at the Service Center, you will be scheduled for an interview at the INS office closest to you and your file will be transferred to that office.

Interview

At the local INS office, an INS officer will conduct the interview and test your basic understanding of English and knowledge of U.S. history and government. The officer may ask for additional information.

Oath Ceremony

When the file is complete, it undergoes a final review and a decision is made. If naturalization is granted, the database is updated with the decision, the Certificate of Naturalization is printed, and the oath ceremony is scheduled. At the end of the oath ceremony, the new citizens are presented with their Certificate of Naturalization.

Backlogs and Delays

The naturalization process can take two years, sometimes more. This backlog

is caused by the sheer number of applicants in queue, and by the complexity of the process itself. Before the process is complete, your file will pass through many hands at several locations. The process is lengthy in the simplest of applications, yet there are other factors which can cause even further delays. Some of them are:

- Change

of address - If you move and do not notify the INS of your change of address, you will not receive important notices from the INS. Not responding to the notices can cause your file to be closed.

- Moving - If you happen to

move from one INS servicing area to another, your file will have to be transferred to a location closer to your current address. If that office has a longer backlog, your file will get stuck in it.

- Transferring files - Sometimes it takes an extraordinarily long time for one INS office to transfer a file to another office.

- Lost files - There are special search procedures with mandatory waiting times in place. Sometimes files must be reconstructed.

- Rejected

or expired prints - It can take several months for fingerprint clearance to come back from the FBI. If your prints are rejected (because they are unreadable), you will be asked to submit new prints. If your prints expire because the process is taking too long (prints have a lifetime of 15 months), you will also have to submit a new set of prints and wait for clearance again.

- Criminal record - If you

have arrests or convictions that show up on your background check, you will be asked for documentation regarding any court disposition. If you have a police record of any kind, it would be wise to have all documentation readily available.

- Failing citizenship test - If you do not pass the citizenship exam, you may have to be retested at a later date.

Realistic Expectations

Many

people ask me to "expedite" their applications pending at the INS. Sheer volume accounts for much of the backlog at the INS.

I

do not have the authority to require that a specific application or petition be considered before those which were filed earlier. The various INS offices keep my office informed of the current backlog for processing the various applications. My district office can inform you of the normal processing time. If your application is pending beyond the normal processing time, I will be happy to make an inquiry on your behalf.

Many people ask me to "expedite" immigrant visas pending at the National Visa Center or American Consulates abroad. Immigrant visa applications for preference categories must by law and regulation be processed in strict chronological order according to the priority date. There is no provision in immigration law which would allow processing of an immigrant visa out of turn even for humanitarian reasons. The Department of States publishes a monthly Visa Bulletin on their website which lists the date for which the consulates are currently issuing visas. The same information is available on a recorded message at (202) 663-1541. If your relative's priority date is beyond the State Department's cut-off date, I will be happy to make an inquiry on your behalf.

Many people ask for help with a visitors visa.

I do not have the authority to grant a visitors visa and I cannot overrule a decision made by a consular officer. I can only pass along information. Immigration law mandates that all nonimmigrant visa applicants are presumed to be intending immigrants unless they can establish otherwise to the satisfaction of the interviewing consular officer. The burden of proof is upon the applicants to convince the State Department that they have no intention of staying in the United States beyond the duration of the time period covered by their visa and that they have the financial resources to undertake the travel to the US.

It is the applicants who must provide evidence to the consular officer that they are not intending immigrants. No one else can help them overcome the denial if the objective facts of the situation are insufficient to persuade the consular officer of their strong ties to their country of origin and compelling reasons to return. Examples of such ties may include business investments, financial assets, property holdings, educational commitments, memberships in civic associations, religious affiliations, and gainful employment.

Timeline for processing I-30 Petitions

So you've mailed an I-130 petition for your relative to the INS California Service Center (CSC) in Laguna Niguel; what happens next?

WAIT

It could take a month or two (or three) for your petition to be logged in, your check to be cashed, and a Notice of Action receipt to be sent to you. Keep your canceled check and the Notice of Action in a safe place; they are important pieces of evidence of filing.

WAIT

The petition will then be placed in queue for processing. If the petition is filed on behalf of an ?immediate relative? (a parent, spouse or minor child of a US citizen, the waiting time for your petition to be processed could be up to nine months. If the petition is filed in one of the preference categories, the waiting time for it to be processed could be up to four years.

UPDATE

During the waiting time, be sure to notify the CSC of any change of address or change of status (i.e. if you become naturalized).

WAIT

When your petition is processed, if it is approved, the CSC will send you a Notice of Approval and will send the petition to the National Visa Center (NVC).

The NVC will store the petition until the priority date becomes current or until the appropriate American consulate is ready to schedule your relative for a visa interview. During this waiting period, the NVC may ask you or your relative for more information such as an affidavit of support.

UPDATE

During the waiting time, be sure to notify the NVC of any change of address or change of status (i.e. if you become naturalized).

When your relative's file is complete, the NVC will send it to the consulate abroad. The consulate will schedule your relative for an immigrant visa interview. If everything is in order, the visa can be issued the same day.

How can Pete Help?

When a process is as lengthy as the immigration process is, there's lots of time for things to go wrong. I do not have the authority to require that a specific application or petition be considered before those which were filed earlier, but I can help keep your petition on the right track. Here are some examples of problems about which you can contact my district office:

- Lost files that need to be reconstructed.
- Original documents lost from files.
- Change of address not reported to INS.
- Change of address not recorded by INS.
- Files not transferred or files lost during transfer when someone has changes address from one service area to another.
- Applications that are beyond normal processing time.
- Petitions that need to be upgraded.
- Age out situations (beneficiary about to turn age 21).

If you would like my help on the issues listed above, please click [here](#) .

